

February 29, 2008

Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Comments from the City of Monte Sereno on the Municipal Regional Permit Draft Tentative Order

Dear Mr. Wolfe:

Thank you for the opportunity to submit comments on the Regional Water Board's Municipal Regional Permit (MRP) Tentative Order dated December 14, 2007. The City of Monte Sereno appreciates the steps taken of the Board to respond to our comments on the draft MRP. However, the Tentative Order still contains a number of requirements that City staff believes will impose significant and unmanageable burdens on the City's very limited resources.

The concerns of City staff are detailed as follows:

- C.2.a – Street and Road Sweeping and Cleaning:
 - Map designated streets and roads with sweeping frequency - It is unclear why the Water Board requires these maps to be developed and submitted. Monte Sereno cannot afford to develop maps that have no purpose. Monte Sereno suggests that this proposed permit requirement be deleted.
 - Sweeping Frequency – Monte Sereno has already developed a frequency of sweeping that meets local needs. Increasing the frequency will represent a significant increase in expenditures for Monte Sereno. Furthermore, it is unclear that there is a water quality benefit to increasing the frequency of street sweeping as proposed in the Draft TO. The fact sheet does not describe the technical basis for the sweeping frequencies proposed and what impact these frequencies will have on improving water quality. Monte Sereno recommends the deletion of this requirement and replacement with a requirement that allows municipalities to continue the currently allowed frequency of sweeping per current performance standards and BMPs.

- C.2.b – Sweeping Equipment Selection and Operation – The Draft TO requires that 75% of replaced street sweepers shall have particulate removal of regenerative air sweepers or better. Monte Sereno uses a third party contractor to perform street sweeping. Considering the City’s small size it will be difficult to obtain contract bidders willing to accept this requirement. The City requests that the Draft TO requirement be modified to state that the Water Board encourages municipalities to consider the water quality benefits when purchasing new sweepers or contracting for services.
- C.2.f – Catch Basin or SD Inlet Inspection and Cleaning: would take the Monte Sereno and the West Valley Cities backwards from their goal to ensure a clean storm drain system. Requiring that “Permittees shall annually inspect, before the wet season, all catch basins or storm drain inlets, and clean them to remove sediment, trash, litter, and other pollutants...”, does not take into consideration a program that has successfully maintained clean systems on a biennial inspection/cleaning cycle. The West Valley Sanitation District uses a mapped system, numbered catch basins and inlets, and ongoing documentation that shows the amount and type of debris (if any) that was removed from each location upon inspection.

On the current 2-year inspection cycle, West Valley Cities have shown that, upon inspection, less than 35% of the structures have any debris or sediment to clean. Annually, at least 65% of the storm drain inlets or catch basins have not had any debris, sediment, gravel, litter or other pollutants in or around the structure. C.2.f. would require a 24-month task to be completed in four months (July to October); thereby necessitating three to four times the current number of staff to complete the work. The costs would be prohibitive without any benefit to water quality. This is clearly a waste of natural and municipal resources. We urge the Water Board to consider a less prescriptive method of attaining desired results. Allow permittees with sufficient data to develop a plan that identifies select storm drain structures (those with any record of debris, sediment or trash) for annual or semi-annual inspection and cleaning based on the quantity and type of debris found. Clean structures would remain on the biennial inspection and cleaning cycle. This would result in quantifiable benefits to water quality rather than wasted resources

- C.3.b. Regulated Projects – Although this is an improvement over the May 2007 Administrative Draft MRP, Monte Sereno still does not support the lowering of the impervious surface threshold for regulated projects by July 2010. There is no clear justification for this, other than that these thresholds appear in another permit, nor is there a nexus with improvement in water quality benefits. We request that the threshold for all regulated projects remain at 10,000 square feet of impervious surface.

- C.3.b.i.(5) – Including rehabilitated arterial streets and roads in the list of regulated projects that require stormwater treatment will create a significant burden on The City and could result in street repairs being delayed and creating a public safety hazard. In cases where the street is being replaced within the same “footprint” and there is development on both sides of the street, there is usually very little right-of-way in which to install treatment BMPs. The City request that that the current permit language describing the exclusion of “ ...pavement resurfacing, repaving and road pavement structural section rehabilitation, within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed” (current Provision C.3.c.i.3) continue to be used in the new permit.
- C.3.j. Collection of Impervious Surface Data for Small Projects – The City of Monte Sereno is strongly opposed to this requirement, as the requirement will create an additional tracking/reporting burden on Monte Sereno on top of all of the other tracking/reporting requirements in the permit. We appreciate that Water Board staff reduced the requirement from one applying to all municipalities to a “regional pilot study”. However, Board staff has not sufficiently explained how the data will be used to determine regulatory thresholds in the future. The Fact Sheet implies that the data will be used to determine whether the “current” (i.e. as proposed in the Tentative Order) size thresholds are appropriate.

In general, City staff is very concerned that the increased data management and reporting requirements of the draft MRP will overload the City’s current capabilities and resources. To comply with the reporting requirements alone, the City – and, indeed, all permittees – would likely be forced to hire additional staff. The State Constitution and other laws limit cities’ ability to increase fees or taxes to cover such additional expenses. Thus, City staff recommends that the Board either eliminate or, at the very least, postpone some of the reporting and database management requirements.

Monte Sereno is a small city with limited staff and resources. While Monte Sereno staff supports the MRP’s laudable goal of reducing stormwater pollution throughout the Bay Area, staff believes the approach to achieve this goal outlined in the Tentative Order of the MRP is infeasible. Thank you again for the opportunity to comment.

Sincerely,

Brian Loventhal
City Manager/Planning Director
City of Monte Sereno